

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SETH D. HARRIS, Acting Secretary of Labor,
United States Department of Labor,

Plaintiff,

vs.

No. CV-12-841-JB/LFG

LOCAL UNION 611, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS,

Defendant.

JOINT STATUS REPORT

1. On April 4, 2013, Plaintiff Seth D. Harris, Acting Secretary of Labor, United States Department of Labor (“the Secretary”)¹ and Defendant Local Union 611, International Brotherhood of Electrical Workers (“IBEW”), filed a Stipulation of Settlement in the above matter.

2. The Stipulation of Settlement in this case called for Defendant to conduct new nominations and hold a new election for the offices of Vice President, Recording Secretary, Treasurer, and Business Manager/Financial Secretary, no later than 120 days after entry of the order approving this Stipulation of Settlement, under the supervision of the Secretary of Labor and in accordance with Title IV of the Labor-Management Reporting and Disclosure Act of 1959

¹ Pursuant to FRCP 25(d), Plaintiff substitutes the Acting Secretary of Labor, Seth D. Harris, who has been designated to fill the position held by Hilda L. Solis, who recently resigned from the position of Secretary.

(“LMRDA”), and insofar as lawful and practicable with the Constitution and Bylaws of the IBEW.

3. By order dated April 12, 2013, the Court confirmed the settlement and retained jurisdiction until the election is completed and judgment is entered. The Court also ordered the parties to file status reports regarding the settlement every 30 days so that the Court would know when it could file a final judgment.

4. Katie A. Serrano was designated as Election Supervisor and duly delegated the responsibility for the supervision of the election in accordance with LMRDA requirements and the rules and regulations of the United States Department of Labor (“DOL”).

5. On May 8, 2013, Election Supervisor Serrano conducted a Pre-Election Conference for the purpose of developing rules and procedures and establishing time frames within which to conduct the supervised election.

6. On May 22, 2013, and on May 23, 2013, Mark Trujillo and Chris Frentzel (respectively by date) made a request for a campaign mailing to Election Supervisor Serrano. The campaign mailings were completed on June 5, 2013.

7. On June 3, 2013, Local 611 conducted a Nomination Meeting under the supervision of Election Supervisor Serrano. The following candidates were nominated for office:

Vice President:	Antontio Cruz, Richard Sandoval;
Recording Secretary:	Ronny Chandler, Clifford Trujillo
Treasurer:	Llyod Beebe, Bobby Martinez
Business Manager/Financial Secretary:	Chris Frentzel, Mark G. Trujillo

8. On June 6, 2013, ballot packages were prepared and mailed to 2,337 members.

9. Voted ballots had to be received at the post office box secured for the return of such ballots no later than July 9, 2013, at 8:30 a.m., in order to be included in the vote tally.

10. On July 9, 2013, the vote tally was conducted immediately after all the voted ballots were retrieved from the post office box at once for tallying. A total of 863 voted ballots were returned by the July 9, 2013 deadline. Of those ballots, 859 ballots were included in the vote tally. The ballots of four voters were voided and not included in the vote tally. One such voter wrote his name and address on the ballot thereby compromising the secrecy of the ballot; two voters were ruled ineligible to vote pursuant to Local 611's voter's eligibility list; and one voter was rule ineligible to vote as a result of his status as an active contractor/employer.

11. The election results are as follows:

VICE PRESIDENT	
Antontio Cruz	466
Richard Sandoval	381
RECORDING SECRETARY	
Ronny Chandler	423
Clifford Trujillo	424
TREASURER	
Llyod Beebe	448
Bobby Martinez	400
BUSINESS MGR/FINANCIAL SECRETARY	
Chris Frentzel	415
Mark G. Trujillo	442

12. Local 611 will post the election results no later than July 18, 2013.

13. Any member may challenge the results of the supervised election conducted on July 9, 2013, by filing a protest with Election Supervisor Serrano in writing within 10 days after the July 9, 2013 supervised election, or July 19, 2013, no later than 4:30 p.m. To date, no protest challenging the election results has been filed with Election Supervisor Serrano.

14. If no protest is filed with Election Supervisor Serrano by the July 19, 2013 deadline for filing such protest, the Secretary will certify to the Court the names of the persons so elected, and that such election was conducted in accordance with Title IV of the Act, and insofar as lawful and practicable, in accordance with the provisions of the Defendant's Constitution and Bylaws.

15. Upon approval of such certification, the Court shall enter a judgment declaring that such persons have been elected as shown by such certification to serve as the duly elected officers of Local 611.

16. In the event that a protest is filed with Election Supervisor Serrano by the July 19, 2013 deadline for filing such protest, the United States Department of Labor's Office of Labor-Management Standards will conduct an investigation of the protest to determine whether a violation occurred and, if so, whether any such violation may have affected the outcome of the election. After the protest has been resolved or an actionable violation has been remedied in accordance with the requirements of Title IV of the Act, the Secretary will certify to the Court the names of the persons so elected, and that such election was conducted in accordance with

Title IV of the Act, and insofar as lawful and practicable, in accordance with the provisions of the Defendant's Constitution and Bylaws.

17. The Court shall proceed to enter a judgment, as prescribed above in paragraph 15.

DATED: July 17, 2013

Respectfully submitted,

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